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Please add new claim 32 as follows:

32. The system according to claim 1,  
wherein said conveying surface is defined by a line shaft conveyor.

#### REMARKS

Applicants believe this response to be fully responsive to the Office Action mailed May 29, 2002.

Claims 1-25 and 32 are pending in the application. Claims 26-31 were withdrawn from consideration and have been canceled herein without prejudice, so that they may be pursued in a continuation or divisional application in the future. Claims 1-20 and 22-25 have been amended. The amendments and new claim are fully supported in the specification and drawings as originally filed. No new matter has been added.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attachment is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

The specification has been amended to change "support member 44" to -- support member 54 -- on page 6. No new matter is added by this amendment.

As discussed with the Examiner on August 7, 2002, claims 2-18 have been amended to correspond with their original form, since the preliminary amendment dated July 12, 2000, and the Response dated March 19, 2002, had improper claim numbering which did not match the claims as pending in the PCT application.

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## CLAIM OBJECTION

Claim 18 was objected to under 37 CFR 1.75(c) as being in improper form. Applicants have amended claim 18 to depend only from claim 1 to overcome this objection.

## CLAIM REJECTIONS

### Claim Rejections Under 35 U.S.C. §112

Claims 19, 23 and 25 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Particularly, the Office Action indicated that it was unclear what a "pop-up" diverter is. Applicants respectfully submit that the term "pop-up diverter" is a term commonly used in the industry. Applicants have amended claim 19 to clarify that the pop-up diverter is operable to raise one or more portions to convey an item positioned at the pop-up diverter in a direction which is generally transverse to the conveyor direction. Applicants respectfully submit that claim 19, as amended above, is not unclear. Reconsideration of claim 19 is respectfully requested.

The Office Action indicated that claim 23 was unclear as to how the fingers extend horizontally. Applicants respectfully submit that, as shown in Figures 11 and 17, the fingers (80) extend horizontally through slots (92) in the spurs. The fingers may be moved upwardly through the slots to raise a container positioned on the spur. Applicants respectfully submit that the fingers do not rotate and that claim 23 is not unclear. Reconsideration of claim 23 is respectfully requested.

The Office Action also indicated that claim 25 was unclear as to the term "cart areas". Applicants have amended claim 25 to clarify that each of the cart areas has an enclosure with a movable gate that can be selectively opened. The movable gates are selectively opened at some of the cart areas to allow for removal of the carts at some of the cart areas while other

carts in other cart areas are being loaded. Applicants respectfully submit that claim 25, as amended above, is not unclear. Reconsideration of claim 25 is respectfully requested.

Claim Rejections Under 35 U.S.C. §102(b)

Claims 1-8, 12-16 and 18-22 were rejected under 35 U.S.C. §102(b) as being anticipated by Barry, U.S. Patent No. 4,065,006. Claims 1-6, 8-21 and 23-25 were rejected under 35 U.S.C. §102(b) as being anticipated by Weir, U.S. Patent no. 3,613,910.

Claim 1 has been amended as follows:

1. A postal dispatch system  
which dispatches randomly arranged containers of sorted mail to particular dispatch carts, comprising:  
a sortation conveyor having a main line defined by a conveying surface and conveying randomly arranged containers (94) of sorted mail, a plurality of spurs extending from said mail main line in the direction of particular dispatch carts (52), ~~and~~ a diverter mechanism at each of said spurs, said diverter mechanisms being positioned along said conveying surface and being operable to which selectively diverts-divert containers from said conveying surface onto the associated one of said spurs; ~~characterized in and~~  
at least one transport mechanism which transports containers from each of said spurs to ~~one of this carts (52)~~ a cart juxtaposed with that spur.

Applicants respectfully submit that none of the prior art references of record disclose, teach or suggest the postal dispatch system of the present invention, particularly as set forth in claim 1, and the claims depending therefrom.

Barry is not analogous prior art for a postal dispatch system. Barry discloses a container side-transfer system for a railroad. A station track (ST) runs along a main track (T), and the cars moving along the tracks couple together to allow for transfer of passenger or

freight containers as the cars move along the tracks. The system does not include any spurs extending from a main line toward dispatch carts nor does the system include a diverter mechanism which transports containers from a conveying surface onto a respective spur. The system of Barry also does not include a transport mechanism which transports containers from spurs to a cart juxtaposed with a particular spur. Therefore, Barry, either alone or in combination with any other reference of record, does not disclose, teach or suggest the postal dispatch system of the present invention, particularly as set forth in claim 1 and the claims depending therefrom.

Furthermore, Applicant respectfully submits that Barry discloses a container side-transfer system for a railroad, and is thus improperly applied to the postal dispatch system of the present invention, which is operable to dispatch randomly arranged containers of sorted mail to particular dispatch carts. There is no teaching or suggestion of applying the principles disclosed in Barry to a postal dispatch system, nor is there any motivation to do so. A reference is not properly considered prior art if the claimed subject matter and the reference have different structure and different functional language. See *In re Mills*, 16 USPQ2d 1430 (Fed. Cir. 1990). Therefore, because Barry does not disclose the claimed subject matter of the present application, and because there is no suggestion or motivation to apply the teachings of Barry to the subject matter of the present invention, it is not proper to cite Barry as prior art.

Also, Weir is not analogous prior art for a postal dispatch system. Weir discloses a warehouse system with infeed and distributing conveyors serving stacker cranes in a common aisle. The warehouse system includes a conveyor mounted on top of storage racks of the system. A crane may pick up shipments moving along the conveyor and may lower the shipments down to the storage racks or transfer stations at conveyor booms positioned below the conveyor. The system of Weir does not include a plurality of spurs extending from the conveyor and does not include a diverter mechanism positioned along the conveyor which selectively diverts containers from the conveyor onto associated spurs. Therefore, Weir, either alone or in combination with any other reference of record, does not disclose, teach or

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suggest the postal dispatch system of the present invention, particularly as set forth in claim 1 and in the claims depending therefrom.

Accordingly, Applicants respectfully submit that Weir and/or Barry, either alone or in combination with any prior art of record, do not disclose, teach or suggest the postal dispatch system of the present invention, particularly as set forth in claim 1 and as further set forth in the claims depending therefrom.

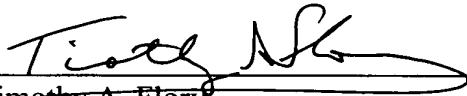
Claims 1-25 and 32 are pending in the application. Claims 1-20 and 22-25 have been amended. Applicants respectfully submit that claims 1-25 and 32 are now in condition for allowance and a notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No. : 09/600,204  
Filing Date : July 12, 2000  
For : DISPATCH SYSTEM FOR CONTAINERS OF  
SORTED MAIL AND METHOD THEREFOR

Box Non-Fee Amendment  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

The paragraph beginning at line 15 of page 6 has been amended as follows:

-- Each dispatch subsystem 22 includes one or more transport mechanisms 50. Each transport mechanism 50 transports containers from one of the spurs 44 to a cart 52 positioned subjacent to the associated spur (Figs. 6 and 7). Each transport mechanism 50 includes an extendable support member 54 (Fig. 7) which retrieves containers from the associated spur and which inserts the containers into the associated cart 52. Transport mechanism 50 additionally includes a vertical lift 56 which moves support member 44-54 between the vertical level of the associated spur 44 and the vertical level of the associated cart 52. Vertical lift 56 includes a pair of vertically oriented beams 58 and a trolley 60 which is supported for traveling along the length of beams 58 (Figs. 8 and 9). A plurality of spaced apart sheaves 62 rotatably supports a belt 64 whose ends 66 are attached to trolley 60. A servo-controlled motor 68 rotates the upper sheave 62 thereby moving belt 64 and trolley 60 attached thereto. A counterweight 70, which is sized to the weight of trolley 60 plus half of the anticipated load,

is attached to belt 64 opposite trolley 60 in order to reduce the amount of torque required from motor 68. --

IN THE CLAIMS:

Claims 26-31 have been canceled without prejudice.

Claims 1-20 and 22-25 have been amended as follows:

1. (Twice Amended) A postal dispatch system

——which dispatches randomly arranged containers of sorted mail to particular dispatch carts, comprising:

a sortation conveyor having a main line defined by a conveying surface and conveying randomly arranged containers (94) of sorted mail, a plurality of spurs extending from said ~~mail-main~~ main line in the direction of particular dispatch carts ~~(52)~~, ~~and~~ a diverter mechanism at each of said spurs, said diverter mechanisms being positioned along said conveying surface and being operable to which selectively diverts-divert containers from said conveying surface onto the associated one of said spurs; ~~characterized in and~~

at least one transport mechanism which transports containers from each of said spurs to ~~one of this carts (52)~~ a cart juxtaposed with that spur.

2. (Amended) The system according to claim 1,

~~wherein~~ wherein said at least one transport mechanism ~~(50, 50')~~ is automatically operated and said carts ~~(52)~~ are hand-operated.

3. (Thrice Amended) The system according to claim ~~2~~ 1,

~~including another diverter mechanism which diverts containers from a feed line onto said conveying surface,~~ wherein said conveying surface is a continuous loop.

4. (Thrice Amended) The system according to claim ~~2~~ 1,

~~wherein said at least one transport mechanism lowers containers from each of said spurs to a subjacent cart associated with that spur, including another diverter mechanism (40) which diverts containers (94) from a feed line (26) onto said conveying surface.~~

5. (Thrice Amended) The system according to claim 1,

~~wherein said at least one transport mechanism includes a plurality of stationary transport mechanisms, one associated with each of said spurs wherein said at least one transport mechanism (50, 50') lowers containers (94) from each of said spurs (44, 44') to a subjacent cart (52) associated with that spur (44, 44').~~

6. (Thrice Amended) The system according to claim 1,

~~wherein said at least one transport mechanism travels between plural ones of said spurs wherein said at least one transport mechanism (50, 50') includes a plurality of stationary transport mechanisms (50, 50'), one associated with each of said spurs (44, 44').~~

7. (Thrice Amended) The system according to claim 1,

~~wherein said at least one transport mechanism raises a subjacent cart associated with that spur to the level of that spur and moves containers directly from the spur to the cart wherein said at least one transport mechanism (50, 50') travels between plural ones of said spurs (44, 44').~~

8. (Thrice Amended) The system according to claim 1,

~~wherein said transport mechanism includes an extendable support member and a vertical lift, said extendable support member is adapted to retrieving containers from said at least one of said spurs and inserting containers to the associated cart and said vertical lift adapted to moving said support member between the vertical level of said one of said spurs and the vertical level of the associated cart wherein said at least one transport mechanism (50, 50') raises a subjacent cart (52) associated with that spur (44, 44') to the level of that spur (44, 44') and moves containers directly from the spur (44, 44') to the cart (52).~~



9. (Twice Amended) The system according to claim 1,

~~wherein said extendable support member includes a plurality of fingers which comb between portions of said at least one of said spurs below containers supported on that spur~~ wherein said transport mechanism (50, 50') ~~includes~~ includes an extendable support member (54) and a vertical lift (56), said extendable support member (54) ~~is being~~ adapted to ~~retrieving-retrieve~~ containers (94) from said at least one of said spurs (44, 44') and ~~inserting to insert~~ containers (94) to the associated cart, (52) and said vertical lift (56) ~~being~~ adapted to ~~moving-move~~ said support member (54) between the vertical level of said one of said spurs (44, 44') and the vertical level of the associated cart (52).

10. (Twice Amended) The system according to claim ~~8~~ 9,

~~wherein said spur includes a conveying surface made up of a plurality of roller members and wherein said fingers comb between said roller members~~ wherein said extendable support member (54) includes a plurality of fingers (80) which comb between portions of said at least one of said spurs (44, 44') below containers (94) supported on that spur (44, 44').

11. (Thrice Amended) The system according to claim ~~9~~ 10,

~~wherein said vertical lift elevates said fingers upwardly in order to retrieve a container from said one of said spurs and elevates said fingers downwardly in order to insert a container to the associated cart~~ wherein said spur (44, 44') includes a conveying surface made up of a plurality of roller members (90) and wherein said fingers (80) comb between said roller members (90).

12. (Thrice Amended) The system according to claim ~~9~~ 10,

~~wherein said extendable support member is extended according to a controlled acceleration profile~~ wherein said vertical lift (56) elevates said fingers (80) upwardly in order to retrieve a container (94) from said one of said spurs (44, 44') and elevates said fingers (80) downwardly in order to insert a container (94) to the associated cart (52).

13. (Twice Amended) The system according to claim ~~8~~ 9,

~~wherein said extendable support member is extended by a variable frequency motor~~  
wherein said extendable support member is extended according to a controlled acceleration profile.

14. (Thrice Amended) The system according to claim ~~12~~ 13,

~~wherein said vertical lift is servo controlled~~ wherein said extendable support member  
(~~54~~) is extended by a variable frequency motor.

15. (Thrice Amended) The system according to claim ~~8~~ 9,

~~including a plurality of said transport mechanisms, wherein each of said transport mechanisms is inhibited from operation when a cart serviced by that transport mechanism is being replaced~~ wherein said vertical lift (~~56~~) is servo controlled.

16. (Thrice Amended) The system according to claim 1,

~~wherein other transport mechanisms are not inhibited from operation when one of said transport mechanisms is inhibited from operation~~ including a plurality of said transport mechanisms (~~50, 50'~~), wherein each of said transport mechanisms (~~50, 50'~~) is inhibited from operation when a cart (~~52~~) serviced by that transport mechanism (~~50, 50'~~) is being replaced.

17. (Twice Amended) The system according to claim ~~1~~ 16,

~~wherein said conveying surface is defined by a plurality of powered rollers~~ wherein other transport mechanisms (~~50, 50'~~) are not inhibited from operation when one of said transport mechanisms (~~50, 50'~~) is inhibited from operation.

18. (Amended) The system according to claim 1 ~~to 17~~,

wherein said conveying surface is defined by a plurality of powered rollers, ~~or by a line shaft conveyor.~~

19. (Thrice Amended) The system according to claim 1,

wherein each of said ~~diverters~~ diverter mechanisms is a pop-up diverter, said pop-up diverter being operable to raise one or more diverter portions to convey a container positioned at said pop-up diverter in a direction which is generally transverse to the conveyor direction.

20. (Thrice Amended) The system according to claim 1,

wherein said spurs are arranged on both sides of said conveying surface and wherein each of said ~~diverters~~ diverter mechanisms is bidirectional.

22. (Amended) The system according to claim 21,

wherein said alignment device (102) is funnel shaped.

23. (Thrice Amended) The system according to claim ~~9~~ 10,

wherein said fingers are extendable horizontally in order to engage a container.

24. (Thrice Amended) The system according to claim ~~9~~ 10,

wherein said extendable support member further includes a stripper member extendable horizontally independently of said fingers in order to slide containers off of said fingers.

25. (Thrice Amended) The system according to claim 1, ,

including a plurality of cart areas, each of said cart areas having an enclosure with a movable gate that can be selectively opened, said movable gates being selectively opened at some of said cart areas to allow for removal of the carts at said some of said cart areas while other carts in other of said cart areas ~~to be~~ are being loaded while one cart is being removed.

New claim 32 has been added as follows:

32. The system according to claim 1,

wherein said conveying surface is defined by a line shaft conveyor.